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Attorneys for Plaintiff, Reliant Technologies, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RELIANT TECHNOLOGIES, INC.

a corporation,

Plaintiff,

-v-

ROBERT LANE McDANIEL,
an individual,

Defendant.

Case No. 3:08-cv-2515

Judge Maxine M. Chesney

**DECLARATION OF
ROBERT KEHL SINK**

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Pursuant to 28.U.S.C. § 1746, I, Robert Kehl Sink, declare as follows:

1. I am over the age of eighteen (18) and make this declaration based on personal knowledge and experience or based on information I acquired from company personnel or business records.

2. I am currently employed as Senior Program Director at Reliant Technologies, Inc ("Reliant"). In that capacity, I am responsible for managing the intellectual property portfolio at Reliant, which includes maintenance, prosecution, and enforcement of Reliant's patents and trademarks, including the registration and protection of the FRAXEL mark.

3. Reliant is a medical device company that designs, develops, and markets non-surgical devices for the treatment of skin damaged by the sun or affected by the aging process. Reliant is located in Mountain View, California, and introduced its first laser system in September, 2004. As of June 30, 2008, Reliant has sold over 1,700 FRAXEL-branded laser systems. Due to the success of its medical laser systems sold under the FRAXEL mark, Reliant has become an industry leader for fractional laser systems, and now employs approximately 181 people, approximately 133 of whom are located in the State of California.

4. Reliant markets FRAXEL medical laser systems for, among other things, the administration of skin resurfacing treatments. Reliant also sells laser systems under the FRAXEL RE:PAIR, the FRAXEL RE:STORE, and the FRAXEL RE:FINE trademarks (collectively, the "FRAXEL Systems").

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2 5. Reliant owns rights in the FRAXEL mark, including, among others, U.S.
3 Registration No. 2974491 for FRAXEL for "medical lasers" (the "FRAXEL Mark").

4 6. Reliant sells its FRAXEL Systems to dermatologists and plastic surgeons through
5 a direct sales force as well as through third-party distributors.

6
7 7. The State of California constitutes one of Reliant's most significant retail markets
8 for its FRAXEL Systems. Of Reliant's total sales of FRAXEL-branded laser systems,
9 approximately 23% of US sales have been to dermatologists, plastic surgeons, and others
10 located in the State of California. Southern California in particular is one of the nation's leading
11 regions for plastic surgeons and dermatologists and is a primary market for Reliant's FRAXEL
12 Systems.

13
14
15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct. Executed on August 14, 2008.

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18 
19 _____
Robert Kehl Sink